

DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE MANUAL

TRANSMITTAL SHEET

Release No. 126

May 13, 1987

SUBJECT: Administrative Series
Part 370 Personnel MMS Addition to FPM/DM
Chapter 735 Employee Responsibilities and Conduct
Subchapter 4 - Nonofficial Expression

EXPLANATION OF MATERIAL TRANSMITTED:

This subchapter establishes Minerals Management Service policy and guidelines for nonofficial expression and provides procedures for requesting permission to engage in such activity.


Director

FILING INSTRUCTIONS:

REMOVE:

None

INSERT:

| <u>Part</u> | <u>Chapter</u> | <u>Pages</u> | <u>Release</u> |
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| 370 | 735 | | 126 |
| Subchapter | | | |
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FORM MMS 1000

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Subchapter 4 - Nonofficial Expression

1. Purpose. To establish policy and guidelines for nonofficial expression and to provide procedures for requesting permission to engage in such activity.

2. Authorities.

A. 18 U.S.C. 203.

B. 18 U.S.C. 205.

C. 478 DM 1.1.

3. Definition. Nonofficial expression refers to an informative presentation, either written or oral, based on an individual employee's field of competence and made by that employee in a situation other than the performance of official duties. It includes the preparation, composition, and presentation (including travel to the place where presentation is to be made) through the following media:

A. Books, articles, pamphlets, brochures, responses to requests for regulatory comments, letters to the editors.

B. The one-time presentation of speeches, lectures, illustrated talks, any other oral or visual presentations, or drawings. For recurring activities see MMSM 370.735.23, Outside Work or Activity.

4. Policy. Nonofficial expression is encouraged within an employee's field of competence, although some of the subject matter may be related to official duties. Employees are entitled to proper recognition, including financial payment, for legitimate nonofficial expression. Topics pertaining to activities which are not regulated by the Department are not covered by this subchapter.

5. Conditions. An employee may engage in nonofficial expression on matters related to official duties or based primarily on knowledge acquired during employment provided:

A. The preparation and presentation are performed wholly outside official duty hours or while on authorized leave.

B. The preparation and presentation do not involve the contribution of time or services of other Federal employees during

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their official duty hours, nor the use of Federal Government funds, facilities, materials, or information which are not available to the public or will not be made available on request.

C. The subject matter falls within the individual's field of competence.

D. There has been no solicitation by the employee to engage in the activity. If compensation is received, the activity must comply with 18 U.S.C. 203 and 205.

E. The expression deals only with those ideas, concepts, data, statistics, intelligence, descriptions of scientific or technical processes or design, formulas, and similar information resulting from or in connection with those departmental activities that are already published, or if unpublished, are available to the public at the time of the employee's disclosure.

F. The employee does not use his or her official title in conducting private business or participating in private or public group activities. Use of official title is strictly limited to those occasions and circumstances where representation is official

G. The employee obtains advance approval of the Chief, Office of Minerals Management Information (OMMI), or ranking field official as provided in 735.4.6 below.

6. Procedures.

A. To request approval for all forms of nonofficial expression, an employee may obtain Form MMS-1983 (April 1986), Notice of Intention and Certificate of Compliance--Nonofficial Expression (Illustration 1), from his/her regional Public Affairs Office or from the OMMI.

B. The form must be endorsed by the employee's first and second level supervisors and forwarded to the approving official. The supervisors' endorsements affirm:

(1) The appropriateness of the proposed nonofficial expression; and

(2) the feasibility of preparing it outside of duty hours or while on authorized leave without adverse effect on the employee's official duties.

C. Employees participating in regional or local conferences must submit Form MMS-1983 to their ranking field official (e.g., Associate Director for Royalty, OCS ranking field official, or

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Administrative Service Center Manager) for approval. Headquarters employees and employees participating in national conferences must submit Form MMS-1983 to the Chief, OMMI, for approval. Forms must be submitted in triplicate, a minimum of 10 working days prior to presentation.

D. The Chief, OMMI, or ranking field official reserves the right to request a final copy of any speech, article, or other medium of nonofficial expression prior to presentation or submission.

E. Employees who report to the Director must submit their Form MMS-1983, directly to the Chief, OMMI, for approval.

F. After action, either approval or disapproval, by the Chief, OMMI, or ranking field official, the form is distributed as follows:

(1) Original copy to employee;

(2) a copy for Director, Public Affairs, Department of the Interior; and

(3) a copy for the Chief, OMMI, for national conferences and ranking field official for regional or local conferences.

7. Compensation.

A. Employees are entitled to proper recognition including financial payment for legitimate nonofficial expression, except:

(1) When the subject material involves any contribution by the Government, either in the preparation or presentation, the employee may not accept or retain any remuneration from outside sources;

(2) for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Department, or which draws substantially on official data or ideas which are not part of the body of public information, the employee may not receive compensation or anything of monetary value; or

(3) when the activity would violate 18 U.S.C. 203 and/or 205.

B. The employee may not be compensated by a source other than the U.S. Government for services he or she was hired to perform for the Government.

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C. Any remuneration for nonofficial expression may be accepted and retained by the employee within the restrictions of 43 CFR 20.735-9, Travel and Travel Related Expenses; 43 CFR 20.735-11, Honorariums; and 370 MMSM 735.11, Honorariums, if approved by the Chief, OMMI, or the ranking field official.

8. Sanctions. Employees found in violation of the above may be subject to appropriate corrective, remedial, or disciplinary action up to and including removal from MMS.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

NOTICE OF INTENTION AND CERTIFICATION OF COMPLIANCE
NONOFFICIAL EXPRESSION

PART A — FOR COMPLETION BY EMPLOYEE

| | |
|---|---|
| 1. Employee's Name and Title: Joe Employee, Supervisory Accountant | 2. Present Duty Station: Denver, Colorado |
| 3. Expression medium (article, lecture, etc.): Unsolicited Article | 4. Approximate date of completion of expression medium: |
| 5. Title of article, lecture, etc., and approximate number of manuscript pages: Oil and Gas Tax Shelters Under Tax Reform | |
| 6. Name or title of publisher or sponsoring organization and place of presentation: Fact Magazine | |
| 7. Employee's title as used in the work (if title is to appear): None | 8. Remuneration offered: \$150.00 |
| 9. Brief outline of subject matter (a complete copy may be requested if deemed necessary): The effect of tax reform on oil and gas tax shelters. Will deal with a brief history of the legislation; a discussion of the tax implication for investors of tax shelters; and a projection of future benefits. | |
| 10. If appropriate, discuss arrangements for resolving conflicts with official duties: This is a general article dealing with the generic issue and not with MMS or specific companies. There is no conflict with official duties. | |
| 11. Certification: I certify that the subject matter outlined above has been or will be prepared and presented wholly outside duty hours or while on authorized leave, with no contribution of other Federal employees' time or services during duty hours, and without use of Government funds, facilities, materials, or information which are not available to the public or will not be made available on request. I also certify that I made no solicitation for this activity if the subject pertains to my official duties. | |
| Signature: | Date: |

PART B — ENDORSEMENTS

| | |
|-----------------------|-------|
| 1st Level Supervisor: | Date: |
| 2nd Level Supervisor: | Date: |

PART C — ACTION

| | | |
|--------------------------------------|---|-------|
| <input type="checkbox"/> Approved | Chief, Office of Minerals Management Information or Ranking Field Official: | Date: |
| <input type="checkbox"/> Disapproved | | |

NOTE: Employees who report to the Director, MMS, should submit this form directly to the Chief, OMMI.

Original to: Employee
Copies to: Director, Public Affairs, Department of the Interior
Chief, Office of Minerals Management Information
or Ranking Field Official

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